

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JUSTIN R. VORHEES, et al., and KASSI  
L. BLANCHARD, spouses,

Plaintiff(s),

vs.

ESURANCE INSURANCE SERVICES,  
INC., an ALLSTATE INSURANCE  
SERVICES, INC. company, foreign  
corporations doing business in the State of  
Washington,

Defendants.

NO. 2:23-cv-00420- RAJ

**~~PROPOSED~~ ORDER GRANTING  
THE PARTIES JOINT MOTION  
TO ENTER FINDINGS AND TO  
CERTIFY APPEAL UNDER  
CR54(b)**

Currently before the Court is the parties Joint Motion to Enter Findings and to Certify Appeal Under CR 54(b). Having reviewed the motion, the record of the case, and the relevant legal authority, and no opposition to the motion being filed, the Court hereby rules as follows:

In support of its Minute Order, Dkt. 56, the Court FINDS:

~~PROPOSED~~ ORDER CERTIFYING APPEAL UNDER CR54(B)  
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1. With respect to the Orders: (1) Order Denying Plaintiff's Motion for Partial Summary Judgment and Granting Defendant Esurance Motion for Partial Summary Judgment, Dkt. 54: the dispositive orders would be final in the sense that each such order is an ultimate disposition of an individual claim entered in the course of a multiple claims action, were it not for the presence of the 1<sup>st</sup> party claim for damages under the Plaintiffs' UIM policy; and there is no just reason for delay to appeal the dispositive orders.

2. The reasons for Rule 54(b) certification via this order include:

a. Plaintiffs seek to appeal the dispositive orders. Bases for the appeal that Plaintiffs intend to assert include but are not limited to: (1) That this Court engaged in impermissible fact-finding in dismissing Plaintiffs' insurance bad faith, IFCA, and WCPA claims, (2) this Court failed to appropriately apply the standard in *Beasley v. GEICO Gen. Ins. Co.*, 23 Wn. App. 641, 517 P.3d 500 (2022), *review denied*, 200 Wn.2d 1028 (2023); and (3) this Court's ruling as to the admissibility and relevance Plaintiffs' insurance bad faith expert contradicts the court's ruling that no reasonable juror could find for Plaintiffs.

b. No party opposes entry of this order.

c. No party will be prejudiced by appeal of the dispositive order prior to trial of the remaining claims in this action.

d. The common facts underlying Plaintiffs' claim for damages under the Esurance Uninsured Motorist Policy are central to the claims dismissed in the dispositive order: Plaintiff's claims for insurance bad faith, violation of the Insurance Fair Conduct Act, and for damages under the Washington Consumer Protection Act. If, on appeal, the court were to reverse this Court's decision there is a significant risk that the trial would be duplicative, a waste of judicial resources, an undue burden on the parties, and that the trials may produce inconsistent results.

1 e. The costs and risks of multiplying the number of proceedings and of  
2 overcrowding the appellate docket are outbalanced by pressing needs of the litigants for  
3 an early and separate judgment as to the claims and parties involved in the dispositive  
4 order.

5 f. The following order is in the best interest of efficient judicial administration.

6 The Court further FINDS that good cause exists to temporarily lift the stay  
7 imposed by this Court, so that the Court may consider and decide the above-referenced  
8 motion, and that to reimpose that stay upon entry of this Order is in the interests of  
9 justice.

10 IT IS ORDERED:

11 A. The Motion to Enter Findings in Support of Order Granting Motion for Rule  
12 54(b) Certification, is GRANTED;

13 B. The stay entered by this Court, Dkt. 56, is LIFTED for purposes of  
14 consideration of the Parties Joint Motion to Enter Findings and to Certify Appeal Under  
15 CR 54(b), shall be REINSTATED, without further action of this Court, upon entry of  
16 this Order.

17  
18 Dated this the 29<sup>th</sup> day of August, 2024.

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22 The Honorable Richard A. Jones  
23 United States District Judge